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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---------------------|-------------|----------------------|---------------------|------------------|
| 10/772,928 | 02/04/2004 | Stefan Lundberg | AWAPP008 | 6075 |
| 28436 | 7590 | 10/05/2006 | EXAMINER | |
| IP CREATORS | | | KOSTAK, VICTOR R | |
| P. O. BOX 2789 | | | ART UNIT | PAPER NUMBER |
| CUPERTINO, CA 95015 | | | 2622 | |

DATE MAILED: 10/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/772,928

Applicant(s)

LUNDBERG ET AL.

Examiner

Victor R. Kostak

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,5,7,8,10,11 and 13-20 is/are rejected.
- 7) ☒ Claim(s) 2-4, 6, 9, 12 and 18 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>02/04/04</u> . | 6) <input type="checkbox"/> Other: ____. |

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1. The drawings are objected to because all block circuitry (noting particularly Figs. 1 and 2) must be functionally labeled in compliance with rules 83(a) and 84(o).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. Claim 18 is objected to because of the following informalities: claim 18 refers to “the sub-pattern” and depends from claim 16. However, the “sub-pattern” feature was introduced in claim 17. Appropriate correction is required.

3. 35 U.S.C. 101 reads as follows:

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Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 16-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 16-20 recite a video signal and its characteristics, which, according to the Interim Guidelines of October 2005 (pages 55-57), do not fall into any of the four categories of invention.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5, 7, 10, 11 and 13-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Bilbrey et al.

The comprehensive system of Bilbrey involves merging video or graphics data from a multitude of sources using keying and effects generation, into composite signals to be customized, transmitted and/or stored. Relevant figures to applicant's claims include Figs. 15-20, 39, 42-46 and 53.

Addressing claim 5 first, Bilbrey combines a first and a second video signal (or more), wherein the signals can be video sequences or graphically generated (e.g. col. 17 lines 5-10; col. 40 lines 1-14) and where a first image position can be replaced by that of a second image at that position (e.g. col. 31 lines 17-39; col. 36 lines 30-41) in response

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to a detected repetitive pattern (e.g. col. 28 lines 31-36; col. 36 lines 9-14, 18-29 and 30-41).

As for claim 7, color video/image data is characteristically composed of luminance and color components, and the pattern or texture sections to be identified for replacement are defined by luminance values (e.g. col. 36 lines 50-53), which luminance components typically define the contours.

As for claim 10, the imagery from the video sources can be graphically generated (e.g. col. 38 lines 30-38; col. 40 lines 1-14).

As noted above, color video/image data is characteristically composed of luminance and color components, and Bilbrey points out that he can use any of the typical combinations, wherein the pixel units can comprise luminance and two chrominance values (col. 36 lines 53-58). Also, Bilbrey can combine foregrounds with backgrounds from graphical sources (e.g. col. 37 lines 19-50) using texture (pattern) data (specifically lines 21-26), that are digitally generated (e.g. col. 7 lines 13-22 and 40-49), thereby meeting claim 16.

As for claims 1 and 11, the system shown in Figs. 44 and 45, for example, includes first and second input sources as shown, and a output stage 2490 (2590) that forms a third signal 2495. Key pattern generation and derivation system 2410 is combined with DVE controller 2520 (Fig. 45) for detecting and then processing the key pattern/texture data. The detection involves storage of the pattern for identifying if or if not the second source is to replace an image portion with its data. Output stage 2490 performs a switching function in response to the pattern identification, which outputs

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either the combined images or unmixed imagers from either of the two sources. (It is noted that more than two sources can be combined, noting Fig. 47).

As for claims 13 and 14, color video/image data is characteristically composed of luminance and color components, and the pattern or texture sections to be identified for replacement are defined by luminance values (e.g. col. 36 lines 50-53), which luminance components typically define the contours. Bilbrey points out that he can use any of the typical combinations, wherein the pixel units can comprise luminance and two chrominance values (col. 36 lines 53-58).

Regarding claim 15, Bilbrey can combine foregrounds with backgrounds from graphical sources (e.g. col. 37 lines 19-50).

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bilbrey et al. in view of Rackley et al.

As noted, Bilbrey operates using digital data, merges color images to generate composite imagery as so desired by the operator. The images would be combined fundamentally by pixel units, defined by luminance and chrominance pairs, and would be combined per respective component of the two merged images in order to match imagery per basic unit of data..

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It would have been obvious to one of ordinary skill in the art to use sub-sampled chrominance components to minimize data processing, this advantage pointed out, for example, by Rackley (col. 7 lines 45-49).

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Honey and Hanna are of particular relevance to the claims as well.

7. Claims 2-4, 6, 9, 12, 17, 18 and 20 appear allowable over the prior art (although claims 17, 18 and 20 are not statutory).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor R. Kostak whose telephone number is (571) 272-7348. The examiner can normally be reached on Monday - Friday from 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David W. Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

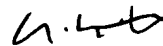
Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, Virginia 22313-1450

Or faxed to:

(571) 273-8300

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service Office whose telephone number is (703) 308-HELP.



Victor R. Kostak
Primary Examiner
Art Unit 2622

VRK